

Fired Author Wins Stunning Settlement

Physicist Who Pressed for Workplace Diversity was Accused of 'Stealing Time'

WASHINGTON, DC - After years of protests, justice has finally been won for fired *Physics Today* magazine staff editor Jeff Schmidt. *Physics Today* is published by the **American Institute of Physics** (AIP), a publishing and advocacy organization governed by the **American Physical Society** and other physics organizations. The battle began in 2000 when AIP fired Schmidt shortly after his book, *Disciplined Minds: A Critical Look at Salaried Professionals and the Soul-Battering System that Shapes Their Lives*, was published. Schmidt had been on the editorial staff of *Physics Today* for 19 years. His book examines the politics of professional work and criticizes workplace hierarchy and the political subordination of employees. *Disciplined Minds* uses the education and employment of physicists to illustrate its points.

"A few days after AIP officials saw the book," Schmidt recalls, "a group of managers took me to the personnel office, told me they were firing me over the book, and escorted me out of the building like a criminal."

AIP cited the book's opening sentence, a literary nod to Abbie Hoffman's *Steal This Book*. "This book is stolen," wrote Schmidt, dramatizing that he spent some office time writing it. However, throughout his 19-year tenure, Schmidt also did all of his editorial assignments and won much praise from his supervisors. Supporters of Schmidt believe that AIP was looking for an excuse to fire him, because of his on-the-job activism. While at *Physics Today*, Schmidt organized coworkers to push for increased staff participation in decision making and to broaden the range of viewpoints allowed in the magazine. He also led a contentious effort to force *Physics Today* to change its long-standing pattern of hiring and training only whites as editors, and to live up to its claim of being an affirmative-action employer. Schmidt, who is white, could have ignored *Physics Today*'s lack of diversity, but he made it an issue and paid a high price.

"The American Institute of Physics fired Jeff for his expression -- for speaking out in the workplace and in *Disciplined Minds*," says University of Ottawa physicist Denis G. Rancourt, one of six physicists who organized the protest against Schmidt's dismissal.

The firing of Schmidt led to political action by more than 1000 scientists, activists, and others in many fields -- including the largest number of physicists ever to speak out on a freedom-of-expression issue in the United States. Among the protesters were two Nobel Prize-winning scientists as well as MIT linguist and social critic **Noam Chomsky**, who solicited signatures on a letter protesting Schmidt's dismissal. Scientists from 35 countries wrote to AIP condemning Schmidt's firing.

A human rights committee of scientists affiliated with a unit of the Institute of Electrical and Electronics Engineers investigated Schmidt's dismissal. The committee, co-chaired by Wallace Manheimer of the US Naval Research Laboratory, issued a public report concluding

that Schmidt “was singled out for his efforts to bring more diversity to the workplace and for other instances of workplace activism.”

The dispute has now been settled out of court on terms highly favorable to Schmidt. The monetary part of the settlement is "at least half a million dollars," estimates Cambridge University physicist Sanjoy Mahajan, who is writing a textbook on the art of approximation. The payment settles Schmidt's claim for five years of back pay and benefits, front pay in lieu of reinstatement, compensation for pain and suffering, and other damages.

More important to Schmidt and his supporters are AIP's political concessions. As part of the settlement, AIP has publicly acknowledged that Schmidt's supervisors and others praised his work and that AIP fired him for his provocative expression. AIP has also given him a positive recommendation letter and reinstated him to his position at the magazine. (A few hours later, Schmidt resigned.) And AIP has agreed to practice specific affirmative action, which is described in a press release by the Washington Lawyers' Committee for Civil Rights and Urban Affairs. It includes implementing mandatory diversity training for all employees and working with the National Society of Black Physicists and the National Society of Hispanic Physicists in becoming one of eleven organizations that govern AIP.

In return, AIP demanded that Schmidt not say anything disparaging of AIP, even if it is true, and that he remove certain articles and parts of articles from the <http://disciplinedminds.com> website. The censored material includes published news reports. However, the censored documents are fully referenced in the settlement agreement, which is publicly available at <http://www.inference.phy.cam.ac.uk/sanjoy/schmidt/>. Schmidt insisted that the settlement agreement be a public document, which is unusual for an out-of-court settlement with a nongovernmental organization.

The physicists who organized the campaign view the settlement as a huge victory for free expression and diversity within the physics community. Although there is no general right of free expression in the American workplace, Schmidt's supporters held the institutions of physics to a higher standard. Their main strategy for gaining justice in this case was public pressure, not legal pressure.

“Public pressure has the advantage of being itself a form of justice. It penalizes the repressive organization by downgrading its public image to reflect its practice,” said Mahajan.

The public support attracted the attention of the Washington, D.C., legal community, which offered to pursue the legal angle for free, simply for the public good. Schmidt is represented by the Washington Lawyers' Committee for Civil Rights and Urban Affairs and by the large law firm Howrey LLP. Five lawyers are working on the case. The complaint they filed against AIP in federal court is posted at <http://www.inference.phy.cam.ac.uk/sanjoy/schmidt/>.

The American Institute of Physics retained the law firm Jackson Lewis, which among labor activists is known as the nation's top union-busting law firm. Despite settling out of court, lawyers estimate that AIP has paid Jackson Lewis at least one-third of a million dollars.

For more information contact Dr. Sanjoy Mahajan at 212-810-1482 or visit <http://www.inference.phy.cam.ac.uk/sanjoy/schmidt/>